

### REMARKS

Claims 1-13 are pending in this application. Claims 1, 7, and 8 have been amended. Claims 1, 7-9, 12, and 13 are independent.

Initially, the Office Action's indication that Claims 9-13 are allowed is noted with appreciation.

Claims 1-8 were rejected under 35 U.S.C. § 251 as being an improper recapture of allegedly surrendered subject matter.<sup>2/</sup> Reconsideration of this rejection is respectfully requested in view of the following comments.

As stated in section 4 of the Office Action, during a telephone conversation between one of Applicant's attorneys and Special Programs Examiner Krista Zele on or around July 2003, a tentative approach for amending Claims 1, 7, and 8 to overcome the issue of recapture was discussed. The undersigned representative understands that during the conversation Ms. Zele tentatively agreed stated that amendments to Claims 1, 7, and 8 along the lines set forth above would overcome the recapture issue and place the application in condition for allowance. Because the claims have been so amended herein, it is believed that the recapture rejection has been overcome and that all of the presented claims are in condition for allowance.

Support for the above claim amendments is found in the specification, at least in the first embodiment, and in particular, from column 5, line 7, to column 6, line 28. It is of course to be understood that the claims are not limited by the details shown in the

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<sup>2/</sup> Claims 1-8 have been rejected in the Office Action despite their previously indicated allowability in the Office Action dated July 15, 2002.

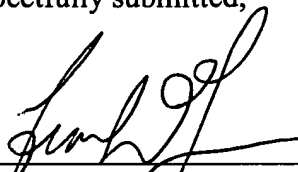
portions referred to. Moreover, in making the above amendments, Applicant does not concede the propriety of the recapture rejection.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, he is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present reissue application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank A. DeLucia', written over a horizontal line.

Frank A. DeLucia  
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